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SOMALILAND PROTECTORATE.

NOTICE.

THE following Regulations made by His Majesty's Commissioner and Consul-General for the Somaliland Protectorate, and allowed by the Secretary of State, are published for general information.

H. E. S. CORDEAUX,
His Majesty's Commissioner and Consul-General.

Berbera, May 1, 1903.

KING'S REGULATIONS UNDER ARTICLE 32 OF "THE SOMALILAND ORDER IN COUNCIL, 1899."

No. 1 of 1903.

Mines and Minerals.

1.—*Exploring Licences.*

1. Licences to explore for minerals, mineral oil, metals, or precious stones, in the Protectorate may be issued by the Consul-General.

2. Each licence shall run for one year, but may be renewed for a similar term. A fee of 10 rupees will be charged for each licence or renewal thereof.

3. The discovery of any minerals, mineral oil, metals, or precious stones, must be reported to the Consul-General within a reasonable time. Neglect to do so will render the explorer liable to the forfeiture of his licence, and to all claim to the favourable consideration of any application for a prospecting or mining licence.

4. An exploring licence confers upon the licensee no right to dig, quarry, remove or carry away any minerals, mineral oil, metals, or precious stones, except in small quantities for the purpose of investigation.

5. A licence to explore only confers on the licensee the right to search for minerals, mineral oil, metals, or precious stones, within the area specified in the licence, and subject to the consent of the tribes or occupiers of the land. It conveys no exclusive or preferential rights; but in considering rival claims for a prospecting or mining licence, due regard will be had to operations conducted under an exploring licence.

2.—*Prospecting Licences.*

6. A prospecting licence confers on the licensee the sole right, subject to the conditions contained in the licence, to enter into arrangements with the tribes or occupiers of the land, to mine, quarry, bore, dig, and search for, win, work, and carry away any minerals, mineral oil, metals, or precious stones, specified in the licence, and lying or being within, under, or throughout the land specified in the licence. These arrangements will be effected through the Consular officer of the district in which the land is situated, and will be subject to the approval of the Consul-General. They will be reduced to writing, and will be duly recorded.

7. Every application for a prospecting licence must be presented in writing to the Consul-General, and shall contain the following particulars, namely:—

(*a.*) The name, residence, and profession of the applicant;

(*b.*) A description as accurate as possible, and illustrated by a rough sketch map, of the situation and area of the land in respect to which the licence is desired; and

(*c.*) A specification of the substance for which the applicant desires to prospect.

8. On the receipt of an application, the Consul-General shall cause such inquiries as he may consider necessary to be made, and if he finds that there is no objection, may grant a licence to the applicant.

9. The term for which the licence shall be granted shall be one year or such shorter term as the applicant may desire. The licence may be renewed by the Consul-General for a further term, not exceeding two years, whenever he is satisfied that the licensee has been prevented from completing his search of the land by any cause other than his own default. A fee of 25 rupees will be charged for the licence or any renewal thereof.

10. A prospecting licence confers upon the licensee no right to dig, quarry, remove, or carry away any minerals, mineral oil, metals, or precious stones, except in small quantities for the purpose of investigation.

11. Every prospecting licence shall contain such conditions as may in any particular case seem necessary, but in all cases the following conditions shall be implied:—

(1.) No land in the occupation of any tribe or person shall be entered upon without the consent of the occupier, and the licensee shall abide by the terms of the arrangements he enters into with the tribes or occupiers of the land covered by the licence.

(2.) The licensee shall report to the Consul-General the results of the prospecting, and shall inform him whether there is reason to believe that any minerals, oil, metals, or precious stones, are present in payable quantities.

(3.) The licence shall not be assigned, nor any right or interest thereunder be transferred without the consent of the Consul-General.

(4.) In case of any breach on the part of the licensee, or his employés, of any of the conditions contained in his licence, or in these Regulations, the Consul-General may summarily revoke the licence, and thereupon all rights conferred thereby or enjoyed thereunder shall cease.

(5.) Should any question arise regarding the licence, or any matter or thing connected therewith, or the powers of the licensee thereunder, the matter in difference shall be decided by the Consul-General, whose decision shall be final.

12. On or before the determination of a prospecting licence, the licensee shall have a right, subject to these Regulations—

(*a.*) In the case of mineral oil, minerals, or metals, to surrender his licence and take in exchange a mining licence in accordance with these Regulations.

(*b.*) In the case of precious stones, to the first offer of such mining licence as the Consul-General may think fit to grant.

3.—*Mining Licences.*

13. Every application for a mining licence shall be presented to the Consul-General in writing, stating clearly the object in view, and the means by which it is proposed to effect that object. It shall further contain—

(*a.*) The name, residence, and profession of the applicant;

(*b.*) The substance for which the applicant intends to mine;

(*c.*) A map of the area over which the proposed licence is to extend.

14. The Consul-General may then institute any further inquiries that may appear to him to be necessary, and may appoint a day when the applicant, or his agent, and the heads of the tribe or tribes concerned, will be heard. The applicant shall show to the satisfaction of the Consul-General that he has effected honest prospecting to a sufficient extent to gauge roughly the future prospects of the concern, or, at any rate, to indicate that there is some real chance of a successful issue being attained. The rights of the tribal owners, or occupiers, of the land will be considered, and a record made of the same. The terms of the arrangements entered into between the applicant and the tribal owners, or occupiers of the land, will then be reduced to writing, and explained to both parties, their comments or objections, if any being recorded:

Provided that when the applicant cannot appear, personally or by agent, a written application may be dealt with as above.

15. When the terms of the arrangements between the applicant and the tribal owners or occupiers of the land have been finally settled and agreed to by the parties, the Consul-General may, if the applicant is entitled to a licence under Regulation 12, or if he thinks that the applicant should be granted a mining licence, grant the same in accordance with these Regulations over such one or more blocks, each not exceeding in extent the area specified in Schedule (A), as he may think fit, and may consider the applicant to be capable of working :

Provided that no mining licence shall be granted by the Consul-General under these Regulations, so as to cause the total area held under mining licences by the licensee or by those in joint interest with him, to exceed 10 square miles.

16. The term for which a mining licence may be granted shall not exceed thirty years, and no covenant for renewal may be inserted in the licence without the sanction of the Secretary of State. A fee of 100 rupees will be charged for each licence.

17. Every mining licence shall contain such conditions and stipulations as may in each particular case seem necessary ; but in every case the following conditions shall be implied, namely :—

(1.) The licensee shall pay royalty at the rate fixed for the particular mineral or substance in respect of which the licence is granted ; and if any other mineral, mineral oil, metal, or precious stone shall be discovered by him, then royalty shall be paid thereon at such rate, not being less than 20 per cent. of the value thereof, as the Consul-General may determine, until a mining licence has been obtained in respect thereof ; but the licensee shall be entitled to such licence for the time then unexpired of his original licence.

(2.) Neither the licensee nor any person claiming through or under him shall assign the licence, or transfer any right or interest thereunder, or underlet the whole or any portion of the premises comprised in such licence, without the consent of the Consul-General ;

(3.) The licensee shall commence operations within two years from the date of the grant of the licence, and shall thereafter carry them on in a proper, skilful, and mining-like manner, unless prevented by unavoidable cause ;

(4.) The licensee shall keep correct accounts showing the quantity and particulars of all minerals, mineral oil, metals, or precious stones obtained from the mine and the number of persons employed therein, and also complete plans of the mine, and shall allow any officer authorized by the Consul-General at any time to examine such accounts and plans, and shall furnish the Consul-General with such information and returns in respect of the aforesaid matter as he may prescribe ; all information and returns obtained or furnished under this clause shall be treated as strictly confidential ;

(5.) The licensee shall, without delay, send to the Consul-General a report of any accident which may occur at or in the premises covered by the licence, and also the finding therein of any minerals, mineral oil, metals, or precious stones, not specified in the licence ;

(6.) In case of any breach on the part of the licensee or his employés of any condition contained in the licence, or in these Regulations, the Consul-General may determine the licence and take possession of the premises and all minerals, mineral oil, metals, or precious stones, thereon ;

(7). At the end or sooner determination of the licence, the licensee shall peacefully deliver possession of all lands occupied by him, and all mines dug therein, unless the licence be previously renewed.

4.—General.

18. All licences granted under these Regulations will be subject to the following conditions :—

(1.) The licensee will admit the jurisdiction of the local Courts in all cases of dispute, and will abide by all orders of the Consul-General ;

(2.) The licensee shall abstain from all interference with tribal or inter-tribal matters ;

(3.) The licensee will not sell, give, or barter ammunition to or with the natives ; and will not introduce into the premises covered by his licence any spirituous liquors, except for the use of European employés ;

(4.) All plant and material shall be imported, and all minerals be exported, through a Protectorate port ;

(5.) The licensee shall abide by the orders of the Consul-General with regard to the employment or non-employment of foreign labourers or workmen;

(6.) The licensee shall make such arrangements for the arming of his servants or employés, and for the protection of his works, if any, as may appear to the Consul-General to be right and proper;

(7.) The Consul-General, or any officer or servant of Government deputed by him, shall have access at all times to the land covered by the licence, and may inspect any operations being conducted;

(8.) Neither His Majesty's Government nor the Administration of the Protectorate shall be under any liability to the licensee in the event of any raids or other interruptions by the tribes or inhabitants of the Protectorate.

19. Where any licence under these Regulations is applied by for by a person who is not a British subject, the Consul-General may require the applicant to give security by bond or deposit, and impose such special conditions as he thinks fit, or may in his discretion refuse to grant any licence to such person.

20. A register of application for licences, specifying briefly the particulars of each application received, and a copy of all licences issued under these Regulations shall be kept in the Consul-General's Office.

21. Any person digging, quarrying, removing or carrying away any minerals, mineral oil, metals or precious stones, shall, unless authorized by a licence so to do, be guilty of an offence, and shall also pay royalty at double the rates specified in Schedule (B).

22. Any person being the holder of a licence under these Regulations who by himself or his employés digs, quarries, removes or carries away any minerals, mineral oil, metals or precious stones, contrary to the terms of his licence or to the provisions of these Regulations, shall be guilty of an offence, and shall pay royalty at double the rates specified in Schedule (B), and his licence may also be forfeited.

23. Any person committing an offence against these Regulations, or wilfully disobeying any orders, rules, or directions given or issued under these Regulations, shall be liable to a fine not exceeding 1,000 rupees or to imprisonment not exceeding two months of either kind, or to both.

24. The Consul-General may make rules for carrying into effect the provisions of these Regulations, and may prescribe the forms of applications, licences or other documents hereunder.

25. "The Somaliland Mining Regulations, 1899," are hereby repealed.

26. These Regulations may be cited as "The Somaliland Mining Regulations, 1903."

H. E. S. CORDEAUX,
Commissioner and Consul-General.

Berbera, May 1, 1903.

Allowed:
LANSDOWNE,
His Majesty's Principal Secretary of State for Foreign Affairs.

Schedule (A).

Maximum Area in square miles for one block of a Mining Licence

	Sq. miles.
Coal and other minerals	2
Oil	1
Gold or silver	¼
Metals	½
Precious stones	(*)

* Will be decided by the Commissioner in each case on its merits.

Schedule (B).

Royalties.

Coal	1	per cent. *ad valorem.*
Metals, oil, and other minerals	4	,, ,,
Gold and silver	4	,, ,,
Precious stones	15	,, ,,

Somaliland Protectorate. 1 May 1903. TS Selected Foreign Office Files on Africa. The National Archives (Kew, United Kingdom). Nineteenth Century Collections Online. Web. 2 May 2016.

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